

FILED

NOV 15 2013

**Clerk, U.S. District Court
District Of Montana
Missoula**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

VICTOR CHARLES FOURSTAR, JR.,

Plaintiff,

vs.

JACQUELINE DECOU, et al.,

Defendants.

CV 13-93-GF-DWM-RKS

ORDER

On November 4, 2013, Plaintiff Victor Fourstar, a federal inmate confined in the United States Penitentiary in Marion, Illinois, filed a motion to proceed in forma pauperis (Doc. 1) and a proposed Complaint (Doc. 2). Magistrate Judge Keith Strong recommends this Court deny Fourstar's request to proceed in forma pauperis, as Fourstar is subject to the three strikes provision of 28 U.S.C. § 1915(g). (Doc. 4.)

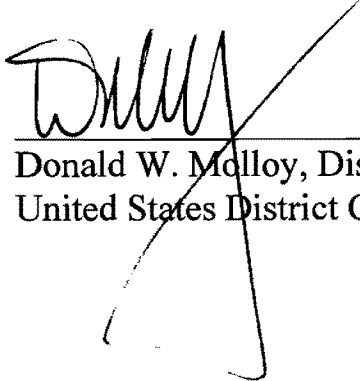
Fourstar is not entitled to a ten-day period to object. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam). As noted by Judge Strong, Fourstar has exceeded the three "strikes" allowed by the Prison Litigation

Reform Act to a prisoner attempting to proceed in forma pauperis in a federal civil lawsuit and he failed to show that he qualifies for the “imminent danger of serious physical injury” exception under 28 U.S.C. § 1915(g).

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 4) is ADOPTED IN FULL. Fourstar’s motion to proceed in forma pauperis (Doc. 1) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Dated this 15th day of November, 2013.



Donald W. Molloy, District Judge
United States District Court